

UNITED DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Hampden, ss

Civil Action No. 04 30172 KPN

ROBERT DADE,

Plaintiff

v.

BOLAND BUILDERS, INC.,  
THOMAS BOLAND, STUART HONES  
and MARY ROSE JONES,

Defendants

DEPOSITION OF: ROBERT DADE, taken before  
MYREL J. WILLIAMS, Notary Public and Court  
Reporter, pursuant to the applicable  
Massachusetts Rules of Civil Procedure, at the  
LAW OFFICES OF ROBINSON DONOVAN, P.C., 1500 Main  
Street, Springfield, Massachusetts, on January  
20, 2006.

Myrel J. Williams  
Certified Shorthand Reporter -1393S95

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WITNESS DIRECT CROSS REDIRECT RECROSS

Robert Dade \*4 \*\*72

\* By Ms. Pelletier  
\*\* By Mr. Rider  
\*\*\*By Mr. Cvejanovich

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1 APPEARANCES:

2

3 FOR THE DEFENDANT:

4 O'CONNELL, FLAHERTY & ATTMORE

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8 BY: JOHN A. CVEJANOVICH, ESQ.

9

10 FOR THE PLAINTIFF:

11 ROBINSON DONOVAN, P.C.

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14 (413) 732-2301

15 BY: NANCY F. PELLETIER, ESQ.

16

17 FOR THE PLAINTIFF:

18 LAW OFFICES OF JOHN N. WHITE

19 1500 Main Street, Suite 900

20 Springfield, MA 01105

21 (413) 788-0200

22 BY: DANIEL H. RIDER, ESQ.

23

24 ALSO PRESENT: Shawn Breault, Liberty Mutual

2

1 STIPULATIONS

2

3 It is agreed by and between the parties that  
4 all objections, except objections as to the form  
5 of the questions, and all motions to strike  
6 unresponsive answers are reserved and may be  
7 raised at the time of trial for the first time.

8 It is further agreed by and between the  
9 parties that the sealing, and the notification to  
10 all parties of the receipt of the original  
11 deposition transcript is hereby waived.

12

13 ROBERT DADE, Deponent, having first  
14 been duly sworn and identified, deposes and  
15 states as follows:

16

17 MS. PELLETIER: Before we begin the  
18 deposition, for the record, we were advised  
19 by plaintiff's counsel that he has no form of  
20 identification whatsoever on him. He left  
21 his driver's license at home and his wallet  
22 is not on him either. Plaintiff's counsel  
23 has just met him for the first time today so  
24 cannot attest to the fact he is, in fact, the

4

1 Q. What were you being paid when you  
2 first started working there?  
3 A. \$16 an hour.  
4 Q. Did you have any benefits?  
5 A. Yes, they have the 401K plan, paid  
6 holidays, four weeks vacation, three personal  
7 sick days, health insurance.  
8 Q. Had you ever worked as a laborer for  
9 a window company before you began with J.C.  
10 Tonnotte?  
11 A. No.  
12 Q. For what period of time did you work  
13 as a laborer?  
14 A. Excuse me?  
15 Q. For what period of time did you work  
16 as a laborer?  
17 A. One year.  
18 Q. And then what was your job?  
19 A. The same job except for I handle all  
20 the -- I run all the trim coils. We've got two  
21 crews of two and I handle that.  
22 Q. What does that mean by handle that?  
23 A. Basically like a foreman.  
24 Q. Since you've began working for J.C.  
13

1 Tonnotte regarding the performance of your work  
2 which was in any way related to the injury you  
3 claimed you received in September of 2001?  
4 A. No.  
5 Q. Have you been reprimanded or warned  
6 for other reasons?  
7 A. No.  
8 Q. What are you making now?  
9 A. 19.  
10 Q. Did it go from 16 to 19 directly or  
11 was there some interim stuff?  
12 A. It was two or three months into work  
13 and I got a \$2 wage increase and then my year  
14 review I got another dollar.  
15 MS. PELLETIER: Off the record.  
16 (Off record discussion)  
17 MS. PELLETIER: Back on the record,  
18 please. For the record, we have yet to  
19 receive any documentation of the loss of  
20 earning capacity claim. Counsel has agreed  
21 to obtain tax returns, both state and  
22 federal, that were requested in discovery by  
23 both parties in this case and provide them to  
24 us.  
15

1 Tonnotte has there been any period of time that  
2 you've missed work for anything except for a  
3 common cold or illness such as that?  
4 A. No.  
5 Q. Do you claim that any injury or  
6 ailment that you suffered as a result of the  
7 incident in September of 2001 affects your  
8 ability to perform your job at J.C. Tonnotte?  
9 A. Yes, sometimes. I do a lot of  
10 ladder work.  
11 Q. How does it affect your ability to  
12 perform your work?  
13 A. My foot gets sore.  
14 Q. How does it affect your ability to  
15 perform your work?  
16 A. Going up and down the ladder, yes,  
17 it slows me down.  
18 Q. Has there been any occasion on which  
19 you were unable to complete a task at work as a  
20 result of the injuries you claim you sustained in  
21 September of 2001?  
22 A. No.  
23 Q. Have you been reprimanded or warned  
24 or given any kind of warning from anybody at J.C.  
14

1 MR. CVEJANOVICH: Yes.  
2 Q. (By Ms. Pelletier) Prior to working  
3 at J.C. Tonnotte, where did you work?  
4 A. I was self-employed. I  
5 subcontracted for Seamless Metal Roofing Company.  
6 Q. You were self-employed and you  
7 subcontracted from Seamless Metal --  
8 A. Roofing Company.  
9 Q. -- Roofing Company. And what were  
10 you doing as your job?  
11 A. Installing metal roofs.  
12 Q. How long were you self-employed in  
13 that capacity?  
14 A. I believe it was two years all  
15 together. It was one year and then the year  
16 before that I subcontracted doing siding with  
17 Peter O'Brown. Before that was Seamless Metal  
18 and the year before that was Peter O'Brown again.  
19 Q. When did you first start doing work  
20 installing metal roofs?  
21 A. I believe I was 22.  
22 Q. Do you know what year that would  
23 have been?  
24 A. I'm 38 now, so that's 16 years ago,  
16

1 1990.

2 Q. What, if any, training did you  
3 receive?

4 A. I was just trained by my father and  
5 his employer Doug Couch.

6 Q. So was your father also an installer  
7 at Seamless Metal Roofs?

8 A. Yes.

9 Q. Since that time have you ever  
10 received any additional training from anybody?

11 A. No.

12 Q. What was the training that you  
13 received from your father and his employer?

14 A. They showed me how to applicate it.

15 Q. Did you ever have any safety  
16 training?

17 A. No, I was always taught to be safe  
18 though. I always set a ladder upright. I don't  
19 use staging that's faulty. I don't use the skill  
20 saw if the guard doesn't work, nail gun if the  
21 safety doesn't work. I don't use that. I was  
22 taught always to be safe actually.

23 Q. Did you work for your father's  
24 employer for some period of time?

17

1 three or four years and then I went back to  
2 subcontracting.

3 Q. Did you have any written agreement  
4 with Mr. Couch?

5 A. Written agreement as to what?

6 Q. Did you with him?

7 A. Can you give me more information? I  
8 don't understand the question.

9 Q. When you were a subcontractor, did  
10 you have any written arrangement with Mr. Couch  
11 as to how you would get paid, the hours you would  
12 work, what jobs you would work?

13 A. No.

14 Q. Nothing?

15 A. No, no, nothing written.

16 Q. When you first started working as a  
17 subcontractor for Mr. Couch, how were you paid?

18 A. I was paid by the square, that's a  
19 10 by 10 area.

20 Q. Did he continue to operate Seamless  
21 Metal Roofing with his own employees when you  
22 were working as an independent contractor?

23 A. Yes.

24 Q. Did you ever go out and bid any jobs  
19

1 A. Yes, I actually worked for -- for  
2 Doug Couch.

3 Q. Spell the last name?

4 A. C-O-U-C-H.

5 Q. Did he have a company or just Doug  
6 Couch?

7 A. Yeah, first he had a siding company,  
8 which was Seamless Siding and Gutters and then he  
9 went into the roofing business, which is called  
10 Seamless Metals.

11 Q. When you first started working for  
12 him, were you working for Seamless Metal or  
13 Seamless Siding?

14 A. Seamless Siding.

15 Q. Were you actually employed by him?

16 A. Yes, I was working by the hour at  
17 that time.

18 Q. At some point you stopped working  
19 for him as an employee and began working for him  
20 as an independent contractor?

21 A. Yes, I was 17 years old. Actually,  
22 I was 17 years old I first started  
23 subcontracting. Then when I was 22, I started  
24 working by the hour. I worked by the hour for  
18

1 for Mr. Couch?

2 A. No.

3 Q. The job that we're here to talk  
4 about, is that a job that was arranged by  
5 Seamless Metal Roofing or you or who?

6 A. Seamless Metal Roofing.

7 Q. Did you ever advise anybody at  
8 Boland Builders that you were not employed by  
9 Seamless Metal Roofing?

10 A. No.

11 Q. Did you bid the job?

12 A. No.

13 Q. Who did?

14 A. My father, Robert Dade.

15 Q. So was your father acting for  
16 Seamless Metal Roofing or you?

17 A. Yes.

18 Q. So your father, Robert Dade, went  
19 out and bid the job for Seamless Metal Roofing?

20 A. Correct.

21 Q. Then you showed up to do the job as  
22 an independent contractor?

23 A. I'm a subcontractor.

24 Q. But you never told anybody that, you  
20

1 were a subcontractor, is that correct?  
 2 A. Yes.  
 3 Q. Did your father ever tell anybody  
 4 that Seamless Metal Roofing wasn't the entity  
 5 that was going to be performing the work?  
 6 A. Not to my knowledge. I wasn't  
 7 there.  
 8 Q. Did you have a corporation or  
 9 partnership or any kind of an entity that you  
 10 worked under as an independent -- as a  
 11 subcontractor?  
 12 A. What do you mean partner?  
 13 Q. How did you get paid by Seamless  
 14 Metal Roofing for the job that's the subject  
 15 matter of this case?  
 16 A. Excuse me, say it again?  
 17 Q. How did you get paid by Seamless  
 18 Metal Roofing for the job that forms the subject  
 19 matter of this case?  
 20 A. The job I got hurt on?  
 21 Q. Yeah.  
 22 A. I didn't get paid for that job. I  
 23 fell through the roof and got hurt. You don't  
 24 work, you don't get paid.

2 1

1 Q. When you were hired by Seamless  
 2 Metal Roofing to perform that job, was there  
 3 anything in writing between you and Seamless  
 4 Metal Roofing?  
 5 A. No.  
 6 Q. What was the arrangement between  
 7 Seamless Metal Roofing and you in connection with  
 8 this job?  
 9 A. I do the job. I get paid when it's  
 10 half done -- I get paid half when it's half done  
 11 and when it's finished, I get paid the other  
 12 half.  
 13 Q. You personally?  
 14 A. Yes, by check.  
 15 Q. The check is written to Robert Dade?  
 16 A. Yes.  
 17 Q. Not any kind of corporation or  
 18 anything like that?  
 19 A. Not at all. I didn't get any check  
 20 from that job because, you know, I didn't do the  
 21 job. I worked one day on it. Actually, a day  
 22 and a half.  
 23 Q. How much were you supposed to be  
 24 paid according to you?

2 2

1 A. It was \$150 per square.  
 2 Q. That's to you personally?  
 3 A. Yes.  
 4 Q. Did that include -- strike that.  
 5 How many buildings were you putting  
 6 roofs on at the subject location?  
 7 A. There were two buildings. There was  
 8 some kind of garage-type building and then the  
 9 main building, which had an addition.  
 10 Q. Was the 150 per square for both  
 11 buildings?  
 12 A. Yes.  
 13 Q. Did you perform any work on the  
 14 garage building?  
 15 A. Yes.  
 16 Q. Did you get paid for that?  
 17 A. Yes.  
 18 Q. How much?  
 19 A. 150 per square.  
 20 Q. How much?  
 21 A. Whatever the squares were.  
 22 Q. You don't remember?  
 23 A. No, I don't remember. I believe the  
 24 garage was probably about two and a half or three

2 3

1 square. I've done so many roofs it's kind of  
 2 hard to remember the exact size of them all.  
 3 Q. Did you have any employees at any  
 4 time?  
 5 A. Yes.  
 6 Q. As of the date of this incident,  
 7 who are you employees?  
 8 A. Mike Valentino. I don't know if I  
 9 am pronouncing that right.  
 10 MR. RIDER: With a V?  
 11 THE WITNESS: Yeah, V. And then I  
 12 believe it was Keith Bryant, and there might  
 13 have been one other guy. I don't recall.  
 14 Q. (By Ms. Pellieter) If these were  
 15 employees, is it safe to assume you provided them  
 16 with W2s?  
 17 A. I paid them under the table.  
 18 Q. Have you ever advised the State of  
 19 Connecticut since that time that you were doing  
 20 that?  
 21 A. No.  
 22 Q. How much did you pay Mike Valentino?  
 23 A. I think it was \$12 an hour. I'm not  
 24 exactly sure.

2 4

1 Q. How about Keith Bryant?  
 2 A. I think it was about the same.  
 3 Q. How long had Mike Valentino worked  
 4 for you?  
 5 A. I believe about six months.  
 6 Q. What, if any, experience did he have  
 7 in installing seamless metal roofs before that?  
 8 A. He was working for the company, I  
 9 think, for two years before that.  
 10 Q. The company meaning Seamless Metal  
 11 Roofing?  
 12 A. Yes.  
 13 Q. What about Keith Bryant?  
 14 A. Keith Bryant actually had more  
 15 experience than that. I believe it was about six  
 16 or seven. I'm not exactly sure.  
 17 Q. Six or seven what?  
 18 A. Years.  
 19 Q. Did he also work for Seamless Metal  
 20 Roofing?  
 21 A. Yes, he also worked for Seamless  
 22 Siding too, as well. The company switched. He  
 23 went from one thing to the other.  
 24 Q. Did you ever get a 1099 from 2 5

1 Q. And that your father was working for  
 2 Seamless Metal Roofing at the time and he went  
 3 out and he priced the job?  
 4 A. Sure, he's a salesman at Seamless  
 5 Metal Roofing.  
 6 Q. At some point you go out to this  
 7 site to perform some work, correct?  
 8 A. Yes.  
 9 Q. Because at some point you get hired  
 10 by Seamless Metal roofing to do something,  
 11 correct?  
 12 A. Yes.  
 13 Q. What did you get hired to do?  
 14 A. To do the roof.  
 15 Q. What does that mean?  
 16 A. That means I go to the job and then  
 17 we bring a machine and we measure how long the  
 18 roof panels are.  
 19 Q. We who?  
 20 A. Me and a couple of the guys who were  
 21 working for me, Mike and Keith and someone else  
 22 and Michael Moffit too.  
 23 Q. Well, Michael Moffit wasn't working  
 24 for you? That is where I'm getting confused. 2 7

1 Seamless Metal Roofing?  
 2 A. Yes.  
 3 Q. Who is Michael Moffit?  
 4 A. Who is he?  
 5 Q. Um-hum.  
 6 A. He was our employee at Seamless  
 7 Metals.  
 8 Q. Employee?  
 9 A. Employee. Well, he would  
 10 subcontract as well. On the bigger jobs we went  
 11 together and then we did separate ones.  
 12 Q. I'm a little confused as to how this  
 13 arrangement works. How would somebody decide  
 14 whether Seamless would be at the site or you or  
 15 Seamless or somebody who used to work at  
 16 Seamless, how would that work?  
 17 A. How do you mean?  
 18 Q. This job, let's talk about this job.  
 19 A. This job, okay.  
 20 Q. You made an allegation that you  
 21 were, as of today, the subcontractor of Seamless  
 22 Metal Roofing hired to do the work at this site,  
 23 is that right?  
 24 A. Right. 2 6

1 here.  
 2 A. He's a subcontractor as well. We  
 3 both subcontract all the time. On bigger jobs we  
 4 would get together and do it together.  
 5 Q. What were the arrangements between  
 6 you and Michael Moffit as to who was going to do  
 7 what on this job?  
 8 A. We all worked together.  
 9 Q. So you --  
 10 A. As a team.  
 11 Q. So you and Mr. Moffit both  
 12 subcontracted with no written agreement to work  
 13 as a team on this job?  
 14 A. Yes.  
 15 Q. How much did he get paid?  
 16 A. Half.  
 17 Q. Half of what?  
 18 A. We split it down the middle.  
 19 Q. So if it was 150 square?  
 20 A. Say it was \$5,000 --  
 21 Q. Is 150 squares just for you or is  
 22 150 squares divided by two because Mr. Moffit got  
 23 half?  
 24 A. 75 and 75, Mr. Moffit got half. 2 8



1 Q. So you did not get 150 as testified?  
 2 A. You asked how much I get paid.  
 3 Q. Then you said 150 square. You did  
 4 not, you got half of that, correct?  
 5 A. Yes, on that particular job, yes.  
 6 Q. Did Mr. Moffit have any employees?  
 7 A. Yes, we used the same guys and  
 8 rotated them around.  
 9 Q. On this job who paid Mr. Valentino  
 10 and from Mr. Bryant?  
 11 A. We both paid them. We took it off  
 12 the top. Actually, I only did the garage, so he  
 13 paid them himself for the main building.  
 14 Q. How many times did you work under  
 15 the arrangement that you just described with  
 16 Seamless Roofing and Seamless Metal Roofing and  
 17 Mike Moffit?  
 18 A. I don't recall exactly, but probably  
 19 about 20 or more jobs.  
 20 Q. You've made allegations in this case  
 21 that you had to forego -- you personally, 12 jobs  
 22 as a result of the injury that you suffered in  
 23 this case, are you aware of that?  
 24 A. Yes.

29

1 Seamless Roofing, correct?  
 2 A. Yes.  
 3 Q. Do you have any documents whatsoever  
 4 that support your claim that you have any loss of  
 5 earning capacity as a result of the injuries you  
 6 sustained in September of 2001?  
 7 A. No.  
 8 Q. Who is Michael --  
 9 MR. CVEJANOVICH: Note an objection.  
 10 That's in part a legal question.  
 11 Q. (By Ms. Pelletier) Michael V-O-L-I?  
 12 A. Who is he?  
 13 Q. Yes.  
 14 A. He's one of the employees.  
 15 Q. One of whose employees?  
 16 A. He worked for me and Mike Moffit.  
 17 Q. You've identified Mr. Voli as a  
 18 person who has knowledge of the incident as  
 19 alleged in your complaint and also indicated that  
 20 he's expected to testify as to the condition of  
 21 the roof and to what he witnessed, do you  
 22 understand that?  
 23 A. Yes.  
 24 Q. You also identified Mr. Moffit as

31

1 Q. One of the jobs is identified as  
 2 D-U-B-R-A-Y, are you familiar with that?  
 3 A. No, I don't recall.  
 4 Q. Do you recall a single job that you  
 5 claim that you were required to forego?  
 6 A. Do I, no.  
 7 Q. Do you have any documentation to  
 8 show that you had been hired by Seamless Metal  
 9 Roofing to perform any job that you claim you  
 10 were required to forego?  
 11 A. No, there is nothing written like I  
 12 told you before.  
 13 Q. So there's no documentation to claim  
 14 you were to forego any job that you were required  
 15 to forego a single job, as a result of the  
 16 injuries you claim you sustained in September of  
 17 2001, is that correct?  
 18 A. Yes.  
 19 Q. In fact, you indicated that Mr.  
 20 Moffit ended up doing the jobs that you were  
 21 required to forego?  
 22 A. Yes.  
 23 Q. Mr. Moffit was all ready working as  
 24 a subcontractor prior to this incident for

30

1 being your partner at the time of this incident,  
 2 are you aware of that?  
 3 A. Yes.  
 4 Q. Was Mr. Moffit your partner?  
 5 A. Yes, sometimes we'd be partners and  
 6 sometimes we wouldn't.  
 7 Q. On this job was he your partner?  
 8 A. Yes, we were partners.  
 9 Q. How did you decide whether you were  
 10 going to be partners or not?  
 11 A. The bigger jobs -- the small jobs we  
 12 would do separately, the bigger jobs we would get  
 13 together.  
 14 Q. You've identified Mr. Bryant as  
 15 working for you through Seamless Metals, what  
 16 does that mean?  
 17 A. What does that mean? Like I said,  
 18 it's a small company. Mike Moffit and myself  
 19 were subcontractors and we switched around.  
 20 There were employees that would bounce around and  
 21 work for me, work for Mike Moffit, work for the  
 22 company itself. I don't know how else to explain  
 23 it to you.  
 24 Q. These are your words, your

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1 attorney's words, it says both Mr. Voli, V-O-L-I,  
2 and Mr. Bryant were both working for you through  
3 Seamless Metals?

4 A. Through Seamless Metals?

5 Q. Yes.

6 A. I don't know. I don't know what to  
7 tell you there.

8 Q. You have no ownership interest in  
9 Seamless Metals, is that correct?

10 A. No ownership at all.

11 Q. Mr. Valentino is not listed in your  
12 automatic disclosure as a person who has any  
13 knowledge of the incidents as alleged in your  
14 complaint?

15 A. He should be.

16 Q. Where does he reside?

17 A. Bristol.

18 Q. Where?

19 A. I believe it's Bert Street. I don't  
20 know the number.

21 Q. Say the name again?

22 A. Bert Street.

23 Q. Does he live with Mr. Voli?

24 A. That's the same guy. I don't know

1 those jobs lined up for you?

2 A. Yes.

3 Q. How did you know that?

4 A. Because he shows me the jobs ahead  
5 of time. He would take pictures with his digital  
6 camera and show me jobs so I could get an  
7 overlook of it, you know, what I would need as  
8 far as ladders and stuff.

9 Q. But there is no documentation that  
10 supports the claim that these were lined up prior  
11 to this incident?

12 A. No.

13 Q. You've never seen any documentation  
14 to support that whatsoever?

15 A. No.

16 Q. Do you have any recollection as to  
17 what the first communication you had with anybody  
18 regarding this particular job was?

19 A. No.

20 Q. Was it your father?

21 A. It had to be.

22 Q. Do you have any recollection as to  
23 when you first visited the site?

24 A. No, I don't remember the exact date.

1 how to pronounce his last name or spell it.

2 Q. V-O-L-I is Valentino?

3 A. Yes.

4 Q. That's the same person?

5 A. That's the same person, correct.  
6 He's got a tough name. I always just call him  
7 Mikey V.

8 Q. Is V-O-L-I a tough name for you to  
9 pronounce or is the name wrong on the document?

10 A. I'm not sure. I don't know how to  
11 spell his last name.

12 Q. How do you pronounce it?

13 A. That I'm not sure.

14 Q. Do you have any pieces of paper with  
15 his name on it?

16 A. No.

17 Q. I'm going to show you a document and  
18 ask if you can identify it.

19 A. Yes, those are the jobs my father  
20 had lined up for me.

21 Q. Who prepared this document?

22 A. Who prepared that document? I  
23 believe it was Janet Couch.

24 Q. Do you claim that your father had

1 Q. Were you at the site at any time  
2 before the date of the fall?

3 A. I believe the day before.

4 Q. Did you ever have any conversations  
5 prior to the date of the fall with anybody  
6 associated with Boland?

7 A. Yes.

8 Q. Who?

9 A. Tom Boland.

10 Q. Where was the conversation?

11 A. Down by that little garage or barn  
12 or whatever you want to call it.

13 Q. What was the substance of the  
14 conversation?

15 A. I don't recall. I believe we were  
16 just talking about the roof actually, it had to  
17 be.

18 Q. Who was in charge of this job?

19 A. My father sells it, he's a salesman,  
20 and then when I go there, I'm in charge.

21 Q. Not Mr. Moffit, not your partner?

22 A. No.

23 Q. You don't work together on that one?

24 A. We do work together, you know what I

1 mean? What is the best thing -- I have more  
2 knowledge, so I kind of like -- we do work  
3 together. It's tough to explain, I guess.

4 Q. Are you aware of any written  
5 contracts that relate to this project?

6 A. How do you mean?

7 Q. Do you know what a contract is?

8 A. I know what a contract is, yes.

9 Q. Are you aware of any written  
10 contracts that relate to this project?

11 A. No.

12 Q. Do you claim there was a written  
13 contract for the installation of the roof?

14 A. Yes, I actually saw it. The  
15 Watstein and Watstein over in -- let's see, how  
16 do I say that? He needed a copy of it. I got a  
17 copy from Seamless Metal Roofing and I brought a  
18 copy to Watstein and Watstein and that is when I  
19 saw the contract.

20 Q. So the contract that existed with  
21 regard to the roof was between Seamless Metal  
22 Roofing and whom?

23 A. I believe it was Tom Boland, I'm not  
24 exactly sure. It's been awhile.

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1 would be ready for you to work on?

2 A. My father handled that part.

3 Q. Your father would tell you it was  
4 time to go?

5 A. He would say, Bob, you have to bend  
6 up this amount of drip edge to get started. I  
7 would bend it up and bring it out with a roll and  
8 the machine and start the job. He would give me  
9 the address. Some times he would drive out there  
10 with me and some times he just gave me the  
11 address.

12 Q. Other than the conversation that you  
13 had out at the garage building with Mr. Boland,  
14 did you have any other conversations before you  
15 began your work on the garage building?

16 A. Not that I recall, no.

17 Q. Are you aware of whether Mr. Moffit  
18 had any kind of conversations with Mr. Boland or  
19 anyone from Boland Builders before you began your  
20 work on the garage building?

21 A. I don't know that answer.

22 Q. What was the condition of the house  
23 as opposed to the garage building when you first  
24 arrived on the site?

39

1 Q. To your knowledge at any point did  
2 anybody tell either Boland builders or the owner  
3 of the property that it would not be Seamless  
4 Metal Roofing but you that would be performing  
5 the work on this job, correct?

6 A. As far as I know.

7 Q. You have the same name as your  
8 father, is that fair to state?

9 A. Our middle initials are different  
10 his is Ernest and mine is Joseph.

11 Q. But you're both named Robert Dade?

12 A. Yes.

13 Q. Is the contract that you saw signed  
14 be Robert Dade?

15 A. I don't recall. It's been a couple  
16 of years.

17 Q. Is that the only contract that  
18 you're aware of that relates to this project?

19 A. Yes.

20 Q. How did you know when it was that it  
21 was time for you to go out to the site?

22 A. When I finished the job beforehand,  
23 which I don't remember when that was.

24 Q. How did you know that the building

38

1 A. Well, they had the main building and  
2 they put an addition to the left of it, if you're  
3 looking at it from the garage. It was new  
4 construction obviously. They had tarpaper on the  
5 roof. That is as much as I can explain it.

6 Q. It's your testimony that the  
7 tarpaper was on the roof the first day you were  
8 on the site?

9 A. I believe so. It was either that or  
10 the next morning.

11 Q. The next morning would be the day of  
12 the incident?

13 A. Yes.

14 Q. Did you have any discussions with  
15 Mr. Boland at any time regarding when it was that  
16 you were supposed to begin your work on what  
17 you're calling the main building?

18 A. Yes.

19 Q. What did he tell you?

20 A. I went up on the roof, and I was  
21 talking to him. I believe if you're looking out  
22 from the garage, I would be the closest to the  
23 garage, the front of the house to the left. I  
24 was standing there talking to him and discussing

40



1 Q. Had you ever been out of work for  
2 any period of time in the five years prior to  
3 this incident for any injury or ailment other  
4 than the common cold or things like that?  
5 A. None at all.  
6 Q. How long do you claim you were out  
7 of work as a result of this incident?  
8 A. Two months.  
9 Q. Two months?  
10 A. Yes.  
11 Q. When you went back to work, did you  
12 go back to work for yourself?  
13 A. Yes, same working conditions, yes.  
14 Q. And did you have jobs lined up when  
15 you went back to work from your dad?  
16 A. Yes.  
17 Q. Do you have any recollection as to  
18 what job you went to work on, the first job?  
19 A. None at all. I believe there was  
20 documentation of the checks that I got from them.  
21 I don't know if you got them or not.  
22 Q. There's documentation of checks that  
23 you got from what?  
24 A. The company. I believe Weitstein  
6 1

1 and Weitstein had me get those, the jobs that I  
2 did after, the job names and the checks.  
3 MS. PELLETIER: I don't believe we  
4 have those. Do you recall seeing those?  
5 MR. CVEJANOVICH: I'll track them  
6 down the best I can, yes. As we sit here  
7 today, I don't recall seeing any checks.  
8 Q. (By Ms. Pelletier) What was the  
9 purpose of Mr. Weitstein having those checks?  
10 A. I'm not sure.  
11 Q. Did you get paid the same way as you  
12 had before?  
13 A. Yes.  
14 Q. Did you get paid the same amount as  
15 you had before?  
16 A. No.  
17 Q. Why not?  
18 A. I worked less hours. I only worked  
19 six hours a day.  
20 Q. Were you provided with some  
21 restriction by some health care professional?  
22 A. No, it was just too painful walking  
23 on the roof with my injury.  
24 Q. For how long did you only work six  
6 2

1 hours a day?  
2 A. For about eight months.  
3 Q. Did you ever apply for any kind of  
4 disability?  
5 A. No.  
6 Q. Did you claim that you were  
7 disabled?  
8 A. Do I claim, no.  
9 Q. After this eight-month period, did  
10 you then go back to full time?  
11 A. Yes.  
12 Q. Did you do the same work?  
13 A. No, I only think I worked for not  
14 too long after that and I went back to siding.  
15 Q. When you went back to siding, did  
16 you go back to siding as yourself as a contractor  
17 for Seamless Metal or as an employee of Seamless  
18 Metal?  
19 A. I subcontracted. I'm not sure. I  
20 can't remember. I think it was a year or two or  
21 something. I'm not even positive.  
22 Q. Why did you make a change to your  
23 present job?  
24 A. Because of the injury of my foot.  
6 3

1 It was just too much walking on an angle, the  
2 angle of a roof was too much for my foot.  
3 Q. You didn't have to walk on an angle  
4 doing siding work, right?  
5 A. Basically you're flat ground on a  
6 plank, the plank is flat like a sidewalk.  
7 Q. Why did you leave that siding job to  
8 go to the window job?  
9 A. The terrain around the job, the same  
10 thing. I have to work for a living. I have to  
11 make a living.  
12 Q. You don't have issues with terrain  
13 when you do window installation?  
14 A. Yes, sometimes.  
15 Q. What were you making when you were  
16 working in the siding as opposed to the roofing?  
17 A. I got paid by the square on that  
18 too. I'm not sure. I can get my W2 forms, my  
19 1099 forms to show that.  
20 Q. Were there activities that you  
21 participated in prior to this incident that you  
22 were limited in participating in or refrained  
23 from participating in as a result of the  
24 incident?  
6 4